

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, D.C. 20554

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In the Matter of )  
 )  
Applications for Consent to the )  
Transfer of Control of Licenses )  
and Section 214 Authorizations from )  
Ameritech Corporation, Transferor, to )  
SBC Communications Inc., Transferee )

CC Docket No. 98-141

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Comments of  
Communications Workers of America  
  
on  
Conditions Proposed by  
SBC Communications Inc. and Ameritech Corporation  
for their Pending Application to Transfer Control

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The Communications Workers of America (CWA) represents more than 630,000 workers employed in telecommunications, broadcasting, cable television, publishing, and other public and private sector industries. CWA represents more than 110,000 employees at SBC and Ameritech.

Throughout this proceeding, CWA has provided evidence to the Commission to show that the proposed merger between SBC and Ameritech will benefit both workers and consumers. We have pointed out that the proposed merger is predicated on growth and investment, which would create good jobs in the telecommunications industry and in the U.S. economy. We have cited as evidence the 4,500 jobs that have been created in California and Nevada since the SBC-Pactel merger. We have also noted that this growth-oriented merger will preserve and advance the provision of affordable, quality telecommunications services to all Americans, and will speed the deployment of advanced telecommunications services to all market segments, including currently underserved residential consumers.

The conditions proposed by SBC Communications Inc. and Ameritech Corporation increase our confidence that the proposed merger is in the public interest. Unlike other mergers approved by the Commission,<sup>1</sup> the conditions proposed by SBC and Ameritech would require a merged SBC-Ameritech to commit network investment to low-income urban and rural residential

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<sup>1</sup> In the MCI-WorldCom merger review, MCI-WorldCom merely indicated to the Commission its "intent" to serve local residential consumers. (In the Matter of Application of WorldCom, Inc. and MCI Communications Corporation for Transfer of Control of MCI Communications Corporation to WorldCom, Inc., CC Docket No. 97-211, Sept. 14, 1998, 192-3.)

communities. The conditions require that at least ten percent of the wire centers in which the merged SBC-Ameritech deploys xDSL advanced services must be wire centers serving low-income urban and rural consumers. The conditions also require the merged company to make improvements in its Lifeline programs providing subsidies to low-income consumers. In addition, the conditions require that the merged entity will not charge residential customers any minimum monthly charge for long distance services (charges which the long distance companies currently levy on their low-usage customers.)<sup>2</sup> CWA supports these conditions as an important mechanism to protect against cream-skimming in a competitive environment.

Furthermore, CWA is particularly encouraged by SBC-Ameritech's commitment to improve its Service Quality reporting by providing to the Commission for the public record, on a quarterly basis, state-by-state Service Quality reports in accordance with the retail service quality reporting recommendations of the NARUC Technology Policy Subgroup "Service Quality White Paper" adopted November 11, 1998. SBC-Ameritech will report on such services as installation and maintenance, switch outages, transmission facility outages, service quality-related complaints, and answer time performance.<sup>3</sup> These reports will assist the FCC, as well as state Commissions and consumer groups, in monitoring efforts to ensure that the merged entity abides by its commitments to continue to invest in a high-quality public switched network serving all market

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<sup>2</sup> Proposed Conditions for FCC Order Approving SBC/Ameritech Merger, *Ex Parte* Presentation, In the Matter of Applications for Consent to the Transfer of Control of Licenses and Section 214 Authorizations from Ameritech Corporation, Transferor, to SBC Communications Inc., Transferor, CC Docket No. 98-141, July 1, 1999, 20, 59, 60.

<sup>3</sup> *Id.*, 54.

segments. CWA believes the public interest would be well-served to require this level of service quality reporting by all large telecommunications mergers.

SBC-Ameritech have also agreed as a condition of the merger to establish a separate advanced services affiliate to provide wireline, telecommunications services such as xDSL, frame relay, cell relay, and dial access service that rely on packetized technology at 56 kilobits per second or greater.<sup>4</sup> In general, CWA believes that a separate affiliate requirement for advanced services is not in the public interest because it slows the development of advanced services by imposing additional, unnecessary costs and inefficiencies on the public switched telephone network. We have argued in the Commission's proceeding on Section 706 of the Telecommunications Act that where a separate advanced services affiliate requirement is imposed, accounting safeguards adequately protect consumers against cross-subsidization and discrimination between the affiliate and incumbent LEC, while reducing network inefficiencies that may serve to delay deployment of advanced services.<sup>5</sup>

CWA believes that our concerns about a separate advanced services affiliate are somewhat mitigated by the fact that under the proposed conditions for approval of the SBC/Ameritech merger "any SBC/Ameritech incumbent LEC may provide operations, installation, and maintenance ('OI&M') services to any separate Advanced Services affiliate" pursuant to tariff or

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<sup>4</sup> *Id.*, 25-40.

<sup>5</sup> Comments of Communications Workers of America, In the Matter of Deployment of Wireline Services Offering Advanced Telecommunications Capability ("Section 706 Proceeding"), CC Docket 98-147, Sept. 25, 1998.

approved interconnection agreement on a nondiscriminatory basis.<sup>6</sup> The proposed conditions also state that "any separate Advanced Services affiliate and any SBC/Ameritech incumbent LEC may joint market their services with the services of the other, without being subject to any nondiscrimination requirement under these conditions."<sup>7</sup>

Under the proposed merger conditions, the Commission's accounting safeguards regarding affiliate transactions would adequately protect against improper cost allocation (and non-discrimination for operation, installation, and maintenance services) between the Advanced Services affiliate and the incumbent LEC. At the same time, the use of accounting safeguards would not impose duplicative, inefficient, and even absurd workforce deployment requirements on the Advanced Services affiliate.<sup>8</sup>

In addition, the separate Advanced Services affiliate as proposed by SBC and Ameritech would ensure that provision of advanced services through a separate affiliate does not have the

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<sup>6</sup> *Id.*, 27(b). The proposed conditions also state that "(e)mloyees of the separate Advanced Services affiliate(s) may be located within the same buildings and on the same floors as employees of the incumbent LEC." (*Id.*, 27(e)).

<sup>7</sup> *Id.*, 27(a). Permitted joint marketing by the incumbent LEC that may be conducted on an exclusive basis would include inbound and outbound marketing, provisioning, and customer care such as service representative interaction with the customer after the sale. This provision is consistent with the Commission's finding in its Non-Accounting Safeguards Order that a "BOC and its section 272 affiliate may provide marketing services for each other." (In the Matter of Implementation of the Non-Accounting Safeguards of Sections 271 and 272 of the Communications Act of 1934, as amended, CC Docket No. 96-149, Dec. 24, 1996 (rel.), 183.

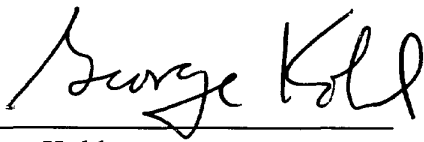
<sup>8</sup> Because xDSL advanced electronics run over the copper telephone network, any requirement for separate operating, installation, and maintenance employees would require double, triple, or even quadruple dispatch for routine installation and maintenance as the incumbent LEC and advanced services affiliate alternate as they dispatch technicians to install or troubleshoot only "their" technology.

unintended consequence of creating a regulatory barrier to employment security or career opportunity for telephone company employees as employment opportunities shift from work on "old" voice networks to work on the "new" data networks.

Therefore, CWA believes that the unprecedented conditions proposed by SBC and Ameritech for FCC merger approval resolve any concerns that the Commission may have related to the public interest benefit of this merger. The conditions ensure that the merged SBC-Ameritech's expansion plans include increased investment to residential consumers, in general, and to low-income and underserved communities, in particular. Further, the hefty penalties that the merged entity would incur should it fail to make promised investments in out-of-region markets serve as powerful incentives to promote the 1996 Act's goal of facilities-based competition, which will benefit both consumers and workers (through investment-led job growth). Therefore, the Commission should act expeditiously to approve the merger.

Respectfully Submitted,

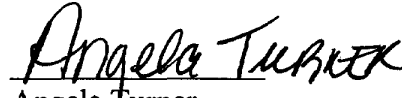
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Dated: July 19, 1999

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